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08 AUG 2007

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In re Application of	:	
SCHELLER et al.	:	
Application No.: 10/585,609	:	DECISION ON
PCT No.: PCT/EP2004/014656	:	
Int. Filing Date: 23 December 2004	:	PETITION UNDER
Priority Date: 24 December 2003	:	
Attorney Docket No.: 6012-000013/US/NP	:	37 CFR 1.497(d)
For: USE OF SUBSTITUTED 2-AMINOTETRALINS	:	
FOR PREVENTIVE TREATMENT OF	:	
PARKINSON'S DISEASE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 12 March 2007, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 23 December 2004, applicant filed international application PCT/EP2004/014656 which designated the U.S. and claimed a priority date of 24 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 June 2006.

On 10 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

On 05 September 2006, a decision was mailed granting applicants' petition to revive under 37 CFR 1.137(b).

On 11 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage were required.

On 12 March 2007, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.497(d). The petition is accompanied by a statement by Frank Dressen, a declaration, and the surcharge under 37 CFR 1.492(h).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has been satisfied.

As to item (2), the petition fee of \$130 has been charged to Deposit Account 08-0750.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. See MPEP § 324 for a proper showing under 37 CFR 3.73(b).

As to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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